

1 HONORABLE RONALD B. LEIGHTON  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 PAUL MARKS,

11 Plaintiff,

v.

12 STATE OF WASHINGTON,

13 Defendant.  
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CASE NO. C18-5516RBL

ORDER

15 THIS MATTER is before the Court on Magistrate Judge Fricke's Report and  
16 Recommendation [Dkt. # 14], recommending that the Court dismiss plaintiff Marks'  
complaint pursuant to 28 U.S.C. §§ 1915(e) and 1915A:

17 (1) The Magistrate Judge's Report and Recommendation is **ADOPTED**.

18 (2) All of Marks' claims against defendants State of Washington and the Department of  
19 Corrections are **DISMISSED with prejudice**.

20 (3) Marks' claims relating to the events allegedly occurring in or around December 22,  
21 2014, and January 21 and 22, 2015, are **DISMISSED with prejudice** for failure to state a claim,  
22 as they are untimely on the face of the complaint.

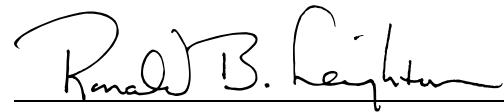
23 (4) Marks' remaining claims are **DISMISSED without prejudice** for failure to state a  
24

1 claim.

2 (5) If Marks appeals, his *in forma pauperis* status will **NOT** continue, for the reasons  
3 articulated in the Report and Recommendation.

4 (6) The Clerk is directed to send copies of this Order to Marks, to Magistrate Judge  
5 Fricke, and to any other party that has appeared in this action.

6 Dated this 1<sup>st</sup> day of July, 2019.

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9 Ronald B. Leighton  
10 United States District Judge  
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